

wrong. I believe very strongly that I owe it to this 13-year-old child still within me to try to intervene to break the truly vicious cycles that have impacted Ellen Morgan's life.

What I want to do and what this bill does is to permit Ellen Morgan to be and feel free to return to the United States with no cloud of legal intervention over her head. She deserves to have that choice. In the real world she does not have that freedom now. This bill is an opportunity, perhaps the last chance, to heal the wounds that are all too fresh in Ellen's life.

If there were another approach that Ellen could take, I know she would have taken it by now. We have attempted to allow the District of Columbia Superior Court to make appropriate motions to rehear this case, to revisit the situation, and as of yet they have been unable to do so, even though several years have elapsed since 1989, when this body and the other body put forward a bill that allowed Elizabeth Morgan to get out of jail for contempt and resume habitation with her daughter in New Zealand.

If I felt that Ellen was free to return to this country unfettered I would not do anything about this bill, but this bill, I think, represents the best approach that can be taken under all the circumstances. The bill is straightforward. It seeks to make out only very minor and temporary changes in title XI of the District of Columbia Code.

Under the Home Rule Act, the District government cannot amend title XI, and thus cannot legally legislatively affect this case. Only Congress can make these changes. These changes are only temporary and will sunset when Ellen reaches the age of majority and custody-visitation issues would be moot.

H.R. 1855 reflects the commonsense basic principle that the law ought not to compel one who has reached the age of reason from being forced to be unsupervised with someone by whom that person asserts they have been sexually abused. As a practical matter, such visitation cannot be enforced, and would create even greater danger if it were. Permitting a child of 13 and above to choose whether or not such custody or visitation should occur under the strict and limited strictures of this bill is the only sensible course.

The basic facts which form the necessary background of this bill bear repeating. There is an outstanding court order for the District Court for the District of Columbia dated August 28, 1987, in the case of Morgan versus Foretich. Under that order Dr. Morgan was jailed for civil contempt in the District of Columbia after she hid her child, Hilary, now known as Ellen, and refused to give that child up for court ordered unsupervised visitation with her father. At that point her income approached \$1 million a year. She gave that up to go to jail for 2 years to protect her daughter. She spent over 2 years in the District of Columbia jail.

In September 1989, Congress enacted H.R. 2136, sponsored by my friend and colleague, the gentleman from northern Virginia [Mr. WOLF], Public Law 101-97. This law limited to 12 months the amount of time that an individual could be imprisoned for civil contempt in the family division of the D.C. Superior Court. This legislation essentially freed Dr. Morgan from jail.

□ 1245

From there she went to Australia, where she is exiled today, until this legislation can pass. Mr. Speaker, I intend to do everything I can in the coming months to move this bill out of committee and to move this bill to passage.

#### BRING THE MORGANS HOME

The SPEAKER pro tempore (Mr. HEFLEY). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, let me begin by seconding and commending my colleague, the gentleman from Virginia [Mr. DAVIS] for moving this legislation.

I want to bring the House up to speed on where we are on this so when this issue comes up, we can pass it very, very quickly.

Back in 1989, Dr. Morgan was in jail for 2 years. We passed the legislation, that passed this House overwhelmingly, to have her released from jail. She and her daughter then went to New Zealand, and they are there wanting very desperately to return home.

Why is it important that we allow this to take place? Dr. Morgan has had a very serious life-threatening operation in New Zealand and will need two additional operations.

Second, Dr. Morgan's mother, who is 81 years old, who is in New Zealand taking care of both Dr. Morgan and the daughter, Ellen, is elderly; and the concern is, what if something were to happen to her, and with Dr. Morgan ill, what would happen with regard to Ellen?

Third, Dr. Morgan's father, who is in his 80's, is in a hospital now and not very well, and we do not know what is going to happen with regard to that.

Last, Dr. Morgan's husband, who lives in the Washington, DC area, can only visit her twice a year; and it is very difficult to commute to New Zealand, cost-wise and time-wise, so he visits her twice a year.

Since this Congress has acted in the past on this issue, what we are going to be asking, through the leadership of Congressman DAVIS, is that we bring this bill up early and get it out so that Dr. Morgan and her daughter, Ellen, can return to the United States without fear of Judge Dixon, without fear of incarceration.

It is the humanitarian thing to do; it is the right thing. All you have to think of is, if you have a daughter in this case, what would you do? It reminds me of the story years ago about

a man without a country. These are people, frankly, without a country, that cannot get back into their own country.

I would like to also submit for the RECORD, if I may, a copy of the letter from Dr. Morgan's husband, detailing the medical condition and the circumstances surrounding Dr. Morgan.

I have pledged to the family that I am going to work with Congressman DAVIS, and we will put this bill on any bill that moves, any appropriations bill; and if we get to the end of the year and it has not passed, then as chairman of the Subcommittee on Transportation, Committee on Appropriations, I will put this bill in the transportation appropriations bill so that it will be passed and be signed.

Our goal is that Dr. Morgan and her daughter, Ellen and her mom will be allowed to return to the United States early this year, hopefully before the springtime is over.

So in closing, when Members have the opportunity to vote on this, we would hope for unanimous consent and complete support, and I want to commend my colleague, Mr. DAVIS, for taking the leadership to allow Dr. Morgan and Ellen Morgan and Mr. Morgan's mom to return to the United States.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. DAVIS. I appreciate the gentleman yielding.

Mr. Speaker, it is important for the House to know that Dr. Morgan and her daughter are, frankly, gagged right now from even communicating with Members of Congress or lawyers in the United States because a New England gag order has come as a result of legal efforts by her former husband to do that, and that has made this more difficult. So we are communicating through friends as we approach this, but our efforts to speak directly have now been thwarted, too, which I think adds to the urgency of moving this legislation through at this time.

Mr. WOLF. Mr. Speaker, reclaiming my time, the gentleman is right. Many times all we hear about on both sides are economic issues. We have passion for them. We should also have passion and compassion for people who are in a situation like this, and through the Davis bill, this family will be able to be reunited and come back to the United States, hopefully before, it would be nice, before the end of springtime.

A copy of the letter mentioned earlier follows:

U.S. COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT,  
January 23, 1996.

Hon. TOM DAVIS,  
Cannon House Office Building,  
Washington, DC.

Hon. FRANK R. WOLF,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMEN DAVIS AND WOLF: As you requested, I provide the following update concerning my step-daughter, Ellen Morgan,

and my wife, Dr. Elizabeth Morgan, based on my visit with them in New Zealand from December 21 to January 18.

Ellen talked of feeling rejected from still being in exile, as she has been since 1987; because of the inaction so far on the bill to allow her safe return, she fears abandonment. The high point of her life, she said, was having Congressman Davis read her letter into the record at the hearing on August 4, 1995. She said this was the first time anyone in authority ever listened to her. After the hearing, however, Ellen suffered dashed hopes as control of her future seemed to slide back to the hands of Judge Dixon after Ellen's father moved to modify Judge Dixon's orders.

As you may know, contrary to his promise to the subcommittee, in his motion to Judge Dixon Dr. Foretich did not withdraw his requests for custody and visitation, but asked Judge Dixon to remove custody from Dr. Morgan and to order visitation. To my knowledge, after holding a hearing in December, Judge Dixon has not ruled on Dr. Foretich's motion. Nor has he ever ruled on Dr. Morgan's motions of 1987 and 1988, for example to reconsider his visitation orders and admit the evidence of the abuse of Ellen's half-sister.

With respect to Dr. Morgan, I am sorry to report that she has suffered a health calamity. After months of increasing frustration, including watching Ellen's demoralization, Elizabeth developed serious ulceration throughout her large intestines. In early January, following our move to Auckland, Dr. Morgan collapsed, was hospitalized and underwent major surgery. Her entire colon was removed (colectomy) and she also had an ileostomy, as a result of which she now has to wear a bag. Fortunately, she is now home and, so far, convalescing well. Nevertheless, she faces two more operations, attempting to repair her digestive system. She must also regain the weight and energy she lost during the month she was unable to eat or drink, and from the surgery itself.

It is no exaggeration to say that she could have died prior to the operation because of what her doctors described as "toxic mega colon." Although lab tests results are still awaited, the New Zealand doctors assure me that they believe grave danger has passed. In turn, I believe that she received good care in Auckland Hospital even though a week passed between her emerging admission and her emergency surgery. While I have confidence in her New Zealand doctors, I remain concerned because, in my view, nowhere in the world can one receive the quality of medical care for serious conditions that is available here in the United States.

Another factor which I believe contributed to Ellen's discouragement and Elizabeth's health crisis was Dr. Foretich's escalating efforts throughout 1995 to gag Ellen. I am informed that he now asks the New Zealand Court to prohibit Ellen from talking with any Member of Congress, staffer, private lawyer, or journalist without his prior review, a court hearing on his objections and the Court's agreement. It is my understanding from Dr. Morgan's New Zealand lawyer that pending decision, Ellen is prohibited from discussing anything about her past with such officials and persons. Therefore, in contrast to last year when, at his request, she wrote freely to Congressman Davis and spoke to him on the phone, today she may be barred from doing so. From Ellen's discussions with me, I know how upset she feels over the present success of her father in silencing her while he continues to talk publicly. It aggravates her growing frustration with her father's success so long keeping her away from home, family and country.

Although the New Zealand Court has fully protected Ellen from contact with Dr.

Foretich and has thus protected her physically, her emotional well-being has not been as successfully assured. For example, in the New Zealand Court, since January 1995, Dr. Foretich has blocked Ellen from being deposed in a lawsuit he himself brought against ABC Television for the documentary movie about Ellen and Elizabeth. This has enraged Ellen since she wishes to be heard in this sealed deposition about what happened to her and to contradict Dr. Foretich's own deposition denying everything. Indeed, the court-appointed psychiatrist in New Zealand, I understand, has opined that since Ellen herself wants to testify, such an opportunity to be heard may further heal Ellen from the trauma of her earlier years.

My report would not be complete without briefly mentioning Ellen's grandparents, Dr. William J. and Antonia Morgan, who hid and thus protected her from 1987 when the Washington Family Court refused protection until 1990 when the New Zealand Family Court gave protection. Bill is seriously ill in Suburban Hospital in Bethesda, Maryland, suffering from congestive heart failure and kidney failure. Only last week Ellen told me how horrified she feels that if her grandfather were to die, she would be prevented from attending his funeral. She is upset enough about missing the May, 1996 wedding of her step-sister, Margaret Michel, but expressed herself as finding the possibility of missing a family funeral intolerable. Antonia, now 81 and frail, remains in New Zealand helping my wife and Ellen to have as normal a family life as the courts have allowed. Understandably, however, Antonia finds it anguishing that in her twilight years family reunification for her as for everyone else seems forever deferred and delayed. Her other children and grandchildren and husband, of course, are here.

Contrary to what some people may assume, the difficulties of life in exile for all three of the women in my New Zealand family grow, now diminish, while each passing year. The recent setbacks of the gagging of Ellen and her resulting despondency and the ulcerative colitis that nearly killed Elizabeth only exacerbate those difficulties. In addition, Ellen's teenage years are not helped by being deprived of family life with her step-father. As it is, she sees me only two months each year. My long-suffering family thus suffers still—and, in the ways described above, even worse.

I cannot express how grateful I am that, in the midst of the issues you and your colleagues face, you two Congressmen have not forgotten the plight of a mother and daughter left in legal limbo and thus trapped in endless exile.

Sincerely,

PAUL R. MICHEL.

#### IN CHILD CUSTODY—NEW LAW LIMITS CIVIL CONTEMPT

On September 23, President Bush signed my legislation limiting the amount of time an individual can be imprisoned for civil contempt of court in a District of Columbia child custody case. The limits imposed by this new law brought about the release of Dr. Elizabeth Morgan, a local surgeon who had spent more than two years in jail for refusing to disclose the whereabouts of her daughter.

The case of Elizabeth Morgan has drawn national attention and some recent commentaries on the new law have obscured many of the important issues concerning my legislation. I believe it is important to explain the background and the effect of the new law.

Every American understands that all individuals who face significant punishment de-

serve to have their case heard by a jury of their peers. That is fundamental to our system of justice.

Yet in most jurisdictions no such right exists for individuals imprisoned for civil contempt of court. Such was the situation of Dr. Elizabeth Morgan. She was incarcerated for over two years and had never been accused or convicted of any crime and her case had never been heard by a jury.

My legislation, now public law 101-97, addressed this fundamental flaw in the D.C. legal system without taking sides in any specific dispute before the court.

Imprisonment for contempt of court is designed to coerce an individual to comply with a court order. Over time, however, if compliance does not occur, it becomes likely that further incarceration will not produce the desired result. In that situation, coercion has become punishment.

My legislation closed a loophole in District of Columbia law that allowed an individual to be imprisoned indefinitely for civil contempt of court in a child custody case.

With the new law in effect, no individual imprisoned for civil contempt of court in a D.C. child custody case can spend more than one year in jail unless they are charged with criminal contempt or court and given a jury trial to determine their guilt or innocence.

The legislation, written with input from the academic and legal communities, took great care to protect the ability of the court to enforce its rulings. While the jury trial provision in my legislation protects the individual from indefinite incarceration, it also protects the power of the court by creating a means by which the court can pursue additional coercive measures. Individuals cannot simply "wait out" the year-long period and expect to walk away from their obligation to obey the court. Under public law 101-97, Dr. Elizabeth Morgan technically could still be charged with criminal contempt of court and be brought before a jury.

My legislation was modeled after laws currently on the books in California and Wisconsin that limit to six and 12 months respectively the amount of time an individual can be imprisoned for civil contempt of court. Neither of those states have the jury trial provision included in my legislation.

Furthermore, an additional precedent for my legislation can be found in federal law which prohibits a recalcitrant grand jury witness from being imprisoned for more than 18 months.

I have written to the governors of the 48 remaining states asking them to consider using the new D.C. law as a model for enacting reforms in their own states.

Some individuals have characterized the congressional action as an inappropriate interference into the affairs of the District of Columbia. It should be known that under the 1974 Home Rule Act, the United States Congress is the only legislative body with jurisdiction over the District of Columbia courts. Not even the D.C. City Council was capable of changing the D.C. civil contempt statute. D.C. Congressman Walter Fauntroy was an original cosponsor of my legislation, and City Councilman James Nathanson testified in favor of a congressional remedy similar to the one that was eventually enacted. House District of Columbia Committee chairman Ronald Dellums of California was also instrumental in guiding the legislation through Congress.

I believe that my legislation meets the most important test of all—common sense. Everyone would want a jury trial, for themselves or a loved one, if they were threatened with prolonged imprisonment. We must continue to work for the day when all Americans, even those imprisoned for civil contempt of court, will enjoy this most basic protection.

## LET THE BULLIES BEWARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I thought I would take this opportunity during a special order break in the legislative business of the House, because we will have an important vote here at some point today to continue the Government, since tomorrow is the shutdown date, to discuss the abuse of the word "bully" in the press over the last few months, an absolute bass-ackwards concept of what bullying is.

When President Lyndon Baines Johnson used the IRS and the FBI to intimidate people, it was considered bullying in the extreme and you would even occasionally see, in conservative and liberal circles, the use of the word "fascism," as in police state tactics. When President Nixon corrupted the Central Intelligence Agency, a body formed to gather intelligence only outside the boundaries of the 50 United States and its territories, you saw much comment using the word "fascism."

But when the current occupants of the White House corrupt the Federal Bureau of Investigation as a way to intimidate and attempt to destroy the lives of the seven people in the travel office, to procure government contracts for Hollywood cronies and/or second cousins who are just 23 years old to run an office that had a bipartisan and press approval rating through 4 or 5 or 6 Presidents, that is bullying in the extreme.

That is bullying, and Billy Dale, the senior member of the travel office, who got a standing ovation last night at the largest political fundraiser in the history of the free world—I had never been in the D.C. armory, did not have time to put on a tuxedo, was the only 1 of 9 Presidential candidates who showed up, which was bizarre in the extreme, and still it raised over \$16 million, I got extremely strong, pleasant applause, I can take that—but the two standing ovations were for a dignified retired Army general of Jamaican heritage, Colin Powell, and another standing ovation for Billy Dale of the heretofore-mentioned travel office.

This man is a courageous man. Unfortunately for the other side, he has a big, handsome, open face; it reminds me of the great Irish-American actor, Pat O'Brien, a star of the 1930's, 1940's, and 1950's, and Billy Dale has asked the people in the White House, including my pal Bill Bennett's brother, Bob—"Bill, control your brother, Bob," is what I would say, Mr. Speaker—Billy Dale has asked the occupants in the White House, and top, inside-the-beltway, high-powered, highly paid lawyer Bob Bennett, "Stop slaughtering my reputation. Mr. Clinton has apologized to me," to Billy Dale, "and wished me well in life. Stop having your hatchet men abuse my reputation and tear me up."

I am told by writers that, first, we may end up here yet with taxpayers' dollars paying the lawyer fees of all seven members of the travel office who had the FBI sicced on them within days of FBI director sessions being relieved of his job by the White House. I forgot, it was a few days after. It all surrounded the Vince Foster suicide, if it was that, all such a sleazy period. And when people call in when you are on a talk show or a radio show, in a townhall meeting, and say, Be careful, Congressperson, it sounds a little tabloid, what you are discussing here.

My response, thanks to my wife, Sally, is when the occupant of the White House has lived a tabloid life, how do you discuss it without sounding a little bit like a tabloid? That is the problem we have. Bullying, filthy Phil Donahue and all of this disgusting talking-head mess that you unleashed on this country when you are talking about witch-hunts and bullying and protecting certain occupants of the White House who were not elected, remember, to sic the FBI or the IRS, whether it is a Republican administration or a Democrat administration, to do that to any human being, taxpaying citizen of this country, or anybody, whether they pay taxes or not, that is flirting with fascism and police state tactics.

We know where the bullying has taken place. As I check my Clinton countdown watch, 284 days to change it.

STATE OF THE UNION MESSAGE  
LACKS FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, we heard in this Chamber just a few days ago the President of the United States give his State of the Union, and I think some of the things that he alluded to should be responded to. I am going to try to use as many facts as I can in my consideration of the State of the Union.

The President came before the Congress and he talked about how good the economy is and how things are going and how people felt good about economic data. I pulled up the economic data from the Joint Economic Committee, the last report that they had, and here is what they said:

Recent data shows the economy has slowed considerably. Manufacturing has contracted for 4 straight months, the lowest since 1991. Housing starts have fallen for 3 consecutive months. Both new orders for durable goods and leading economic indicators fell in October. Industrial production fell. New home sales fell.

This is the information that I have. In talking to the people of my district, too, during the recent recess and also around the country, I found that people are concerned about the future, that the major jobs that the President has talked about creating under this ad-

ministration are, one, low-paying jobs, part-time jobs, and service jobs, all again low-paying jobs.

I heard, I think it was Senator BRADLEY, talking about one of his constituents who said he heard the President talk about this and said that several years ago the husband and wife had two jobs. And he says, now we see where the job increase has resulted. Because now we have four jobs to keep the income level that, in fact, we had some years ago.

Then we heard the President talk about the 200,000-job cut in Federal employment. Folks, that is strictly smoke and mirrors. I chair the House Subcommittee on Civil Service. We looked at the cuts. The cuts are almost 95 percent in the civilian defense work force and relate primarily to base closures, civilian defense employees. The bulk of bureaucrats, the 350,000 that we have just within 50 miles of the U.S. Capitol are still well entrenched, and there have not been cuts in that core bureaucracy.

The President talked about values, and he led off with V-chips and regulating cigarettes, and maybe he forgot that there is already a turnoff switch. Then he got to welfare. Maybe he had his priorities mixed up, because I see the crime, I see the problems in our society; and the people I have talked to say that it is coming from the welfare system that we have created in 40 years of Democratic rule of this House. It has perpetuated the problems that we see. It is not just answered by a V-chip or regulating cigarettes.

Then I heard him talk about immigration, and he said, immigration, illegal immigration is down. Well, I had a press report where 1,000 Haitians left his success story to come to the United States and had to be brought back, where over 40 died at sea in the last couple of months.

Then he talked about tightening up immigration. Well, he has, in fact, begun to talk about tightening it up, but what we have done in fact is changed our policy so many times it has been the policy de jour, like the soup de jour. In fact, we have imported into my State of Florida over 20,000 Haitians and Cubans in the last year. They have been flying them in at 500 a clip.

So this is the policy that I see, a failure. No economic plan in Haiti. We have empowered one party who has really executed the opposition, and we have no hope. We have put the entire country on a Clinton-style economic welfare program.

Then we heard about EPA, and that really galls me, because I served on the committee that oversees EPA; and the real argument with EPA is some of the policy that they have and also the operations that they have.

□ 1300

They have increased their number of employees from less than 12,000 about 10, 12 years ago, to now 18,000. They